



Legal Update

March 2016

An Act Relative to Motor Vehicle License Suspension!

On March 30, 2016, the Governor signed into law *S 2021, An Act Relative to Motor Vehicle License Suspension* of chapter 64 of the Acts of 2016. The portion of the bill related to the public accessing driving records and reinstatement or renewal of licenses will take effect 60 days after the effective date of this act and the remainder of the legislation will take effect immediately. The key aspects of the bill are listed below.

No More Automatic License Suspensions For Drug Offenses (except for Trafficking in fentanyl, heroin, morphine, derivatives of opium such as oxycodone, cocaine, methamphetamine or phenmetrazine.)

- ❖ G. L. c. 90, § 22(f) regarding automatic license suspensions for drug offense, except for Trafficking, is no longer valid.

Public does not have access to driving records of registrar (effective 60 days)

- ❖ Section 30 of chapter 90 requires that the registrar shall shield from public access all records of the suspension and the underlying offense, including records of the expiration of the suspension, any hearings or appeals related to the suspension and the reinstatement

For specific guidance on the application of these cases or any law, please consult with your supervisor or your department's legal advisor or prosecutor.

following the suspension. This portion becomes effective in October 2016. Records requested prior to this date will contain drug offenses, warrant offenses, and child support obligations.

NOTE: This portion does not block driving records of individuals who were convicted of trafficking offenses, had expired warrants or had expired child support obligations.

Fees for Reinstatement of any License to operate a motor vehicle are waived

- ❖ Reinstatement fees are waived, but individuals will still have to pay fees for permits and road tests if their license has been suspended for more than two years.

Mandatory reporting requirements for RMV

- ❖ RMV shall issue a report on the implementation of records of RMV as well as reinstatement. The report shall include the fiscal impact to the RMV and shall identify any impediments to the implementation of those sections. The registrar shall file the report with the clerks of the House of Representatives and Senate, the chairs of the House and Senate Committees on Ways and Means and the Chairs of the Joint Committee on transportation not later than 30 days after the effective date of this act.

Insurance Study

- ❖ Division of Insurance shall conduct a study on the feasibility of reducing the amount of time unsafe driver's points remain on a driver's record. Additionally, the report should include recommendations that shall be submitted to the clerks of the House and Senate, the Joint Committee on transportation and the House and Senate Committee on ways and means by **December 31, 2016**.

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